

REMARKS

Claims 1-31 are pending in the application and have been rejected by the Examiner. Claims 1, 4, 16, 17, and 29 have been amended and claims 32-36 have been added. Applicant respectfully traverses each ground of rejection and requests reconsideration and further examination of the application under 37 CFR § 1.111. Applicant responds to each ground of rejection and objection as follows.

A. Claims 1-3, 8, 11-16, 21 and 24-31 were rejected under 35 USC 103(a) as being unpatentable over Webber et al. (US 6,009,413) in view of Reilly and Official Notice. Claims 4-7, 9, 10, 17-20, 22 and 23 were preliminarily rejected under 35 USC 103(a) as being unpatentable over Webber in view of Reilly, Official Notice and Savage.

In accordance with 37 CFR 1.131 and MPEP 715, applicant submits an affidavit to swear behind one or more of the references cited in the 103(a) rejection. The applicant's affidavit and various attached exhibits establish that the applicant conceived the claimed invention prior to the April 17, 2000 and June 17, 2000 publication dates of the Savage and Reilly references. For example, in approximately January, 2000, the applicant conceived the invention and began a series of meetings with business associates and attorneys to discuss commercial development. On April 17, 2000, the applicant reserved the domain www.certificateofanalysis.com in furthering these efforts. Various other meetings were held, a disclosure was filed with the USPTO, and a search was performed, all prior to filing the current patent application. Therefore, it is respectfully submitted that Savage and Reilly cannot be the basis for a rejection and that they should be removed as cited references. For this reason, Savage and Reilly are not specifically discussed herein on the merits.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." Manual of Patent Examining Procedure (MPEP) §2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Claims 1 and 16, as amended, require allowing suppliers to upload to and remove from a server chemical compound lot specification data and quantity data and corresponding chemical analysis data for each chemical compound lot, permitting access to data on chemical compound lots, and providing an electronic listing of chemical compound lot specification data for chemical compound lots that satisfy chemical compound requirements specification of users. Claim 32 specifically requires a database containing a plurality of certificates of analysis and related chemical compound lot specification data from suppliers, retrieving and displaying a certificate of analysis of a supplier based on input received from a user, and retrieving and displaying a certificate of analysis of another supplier based on input received from another user.

It is respectfully submitted that the above-recited elements of Applicant's independent claims 1, 16 and 32 are not shown or suggested in the references of record. For example, none of the references of record, when taken alone or in combination, teach providing a chemical compound database having chemical compound data that can be uploaded by suppliers and retrieved by users based on specified criteria. The present invention allows current or historical

certificates of analysis as well as other chemical compound data to be accessible from various geographies and time zones. While the present invention can also be used to facilitate the sale of chemical compounds, a more important aspect is serving as an information repository for types of data from multiple suppliers that have not previously been available in a central computer system. The above features are not shown in the references of record.

Therefore, since the references of record, either alone or in combination, fail to teach all the limitations of the claimed invention, it is respectfully submitted that Applicant's independent claims 1, 16 and 32 are allowable over the references of record.

Claims 2-15 depend from claim 1, claims 17-31 depend from claim 16, and claims 33-36 depend from claim 32, and each of these dependent claims include all of the limitations of the independent claims from which they depend. It is therefore respectfully submitted that these dependent claims are allowable over the references of record for at least the same reasons set forth above with respect to independent claims 1, 16, and 32.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance, and respectfully requests such action. Should it facilitate allowance of the application, the Examiner is invited to telephone the undersigned attorney.

The Commissioner is hereby authorized to charge a two-month extension of time fee of \$210.00 under 37 CFR 1.17(a)(2) and the fee in the amount of \$36.00 under 37 CFR 1.16(c) for the four claims added herein to Deposit Account No. 23-3030. No additional fees are believed to be necessary, however, should any fees be deemed required, the Commissioner is authorized to charge such fees to Deposit Account No. 23-3030, but is not to include payment of issue fees.

Respectfully submitted,

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